

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

ARNOLDO ANTONIO VASQUEZ

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Civil Action No. 4:17-CV-101

Judge Mazzant

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION**  
**OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in the above-entitled civil action which was heretofore referred to United States Magistrate Judge Kimberly Priest Johnson pursuant to 28 U.S.C. § 636. On June 22, 2018, the Report of the Magistrate Judge was entered containing her proposed findings of fact and recommendations that the Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. #17) be denied, the Plaintiff's Motion for Summary Judgment (Dkt. #18) be denied, and the case should proceed to trial. On July 6, 2018, the Government filed objections to the Report and Recommendation.

The Court, having made a *de novo* review of the objections raised by the Government, is of the opinion that the ultimate conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the ultimate conclusions of the Magistrate Judge that the Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. #17) be denied, the Plaintiff's Motion for Summary Judgment (Dkt. #18) be denied, and the case should proceed to trial as the conclusions of this Court. It is, therefore,

**ORDERED, ADJUDGED and DECREED** that the Defendant's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. #17) is **DENIED**, and the Plaintiff's Motion for Summary Judgment (Dkt. #18) is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 28th day of March, 2019.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE